

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
 Serial No.: 09/337,619  
 Filed: June 21, 1999  
 For: METHODS OF TREATING CANCER USING IMMUNOSTIMULATORY OLIGONUCLEOTIDES  
 Examiner: Not yet assigned  
 Art Unit: 1617



Sligo  
 Wario  
 08-14-00

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Office of Petitions, the Assistant Commissioner for Patents, Washington, D.C. 20231, on the 25 day of July, 2000.

*Helen C. Lockhart*  
 Helen C. Lockhart

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AUG 01 2000

TECH CENTER 1600/2000

Office of Petitions  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

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JUL 28 2000

OFFICE OF PETITIONS

Sir:

PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR §1.48

Applicants respectfully petition the Commissioner of the United States Patent and Trademark Office, pursuant to 37 CFR §1.48, to correct a failure to name an additional inventor to the originally-filed patent application. Through errors, Dr. George Weiner was incorrectly not named as an inventor of the above-identified patent application without deceptive intent on his part. Specific guidelines for correction of inventorship of a pending patent application have been promulgated at 37 CFR §1.48. This section states in part "(a) if the inventive entity is set forth in error in an executed §1.63 Oath or Declaration in an application, other than a reissue application, and such error arose without any deceptive intent on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the application may be amended to name only the actual inventor or inventors. ... Such amendment must be accompanied by:

(1) A petition including a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) An oath or declaration by the actual inventor or inventors as required by §1.63 or as permitted by §§1.42, 1.43, or 1.47;

(3) The fee set forth in §1.17 (i); and

(4) If an assignment has been executed by any of the originally named inventors, the written consent of the Assignee(s).

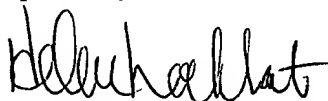
Applicants request that the Patent Office add Dr. George Weiner to this patent application.

Attached to this Petition are the following as required by 37 CFR §1.48 (a);

- A verified statement from Dr. George Weiner stating that the error in inventorship occurred without deceptive intention on his part;
- A verified statement signed by an official of the Assignee, The University of Iowa Research Foundation, to whom the originally named inventor, Dr. Arthur Krieg assigned all of his rights;
- A check for the fee set forth in 37 CFR §1.17(i) in the amount of \$130.00.

Should any questions remain regarding this petition, it is requested that the Examiner contact Applicants' representative, as signed below.

Respectfully Submitted,



---

Helen C. Lockhart, Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
Tel (617)720-3500

Attorney Docket No. C1039/7021

Date: July 25, 2000

NDD



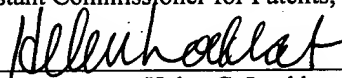
ATTORNEY'S DOCKET NO. C1039/7021 (HCL)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Helen C. Lockhart

Office of Petitions  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Verified Statement of Dr. George Weiner

RECEIVED  
JUL 28 2000  
OFFICE OF PETITIONS

I, George Weiner, state the following:

1. There was an error in not naming myself as an inventor to the above-identified patent application and this error occurred without any deceptive intention on my part.
2. I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent issued thereon.

Date: 7-1-00

Signature: 

George Weiner



ATTORNEY'S DOCKET NO. C1039/7021 (HCL)

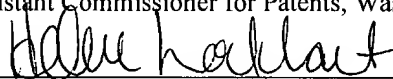
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Helen C. Lockhart

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**Office of Petitions**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RECEIVED**

**JUL 28 2000**

**OFFICE OF PETITIONS**

**Verified Statement of the University of Iowa Research Foundation**

**Statement in Support of Correction of Inventorship Under 37 CFR §1.48**

1. I, W. Bruce Wheaton, am an official of the University of Iowa Research Foundation and have authority to act and sign on behalf of the University of Iowa Research Foundation.

2. The University of Iowa Research Foundation is the sole and exclusive assignee of the rights of Arthur M. Krieg in the above-identified patent application, and as such is the sole owner of this patent application at this time. Assignments evidencing this ownership have been recorded with the USPTO on September 8, 1999, reel and frame 010219/0523. (Copy enclosed.)

3. I hereby verify that the University of Iowa Research Foundation agrees with the petition to amend inventorship attached hereto. Inventorship was named improperly when the

above-identified patent application was filed, but this error was a mistake, and involved no deceptive intent on the part of the University of Iowa Research Foundation.

4. I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent issued thereon.

Date:

6/27/00

Signature:

W. Bruce Wheaton  
W. Bruce Wheaton



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

HCL

4039/0021



\*101140061A\*

NOVEMBER 09, 1999

PTAS

WOLF, GREENFIELD & SACKS, P.C.  
HELEN C. LOCKHART  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON, MA 02210

File Folder ECB Docket Entry Docket Cross Off Order Copies Annuities Confirmation	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<b>DOCKETED</b>  <b>NOV 22 1999</b>
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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/08/1999

REEL/FRAME: 010219/0523  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
KRIEG, ARTHUR M.

DOC DATE: 08/06/1999

ASSIGNEE:  
IOWA RESEARCH FOUNDATION,  
UNIVERSITY OF  
214 TECHNOLOGY INNOVATION CENTER  
OAKDALE RESEARCH CAMPUS  
IOWA CITY, IOWA 52242

SERIAL NUMBER: 09337619  
PATENT NUMBER:

FILING DATE: 06/21/1999  
ISSUE DATE:

MARCUS KIRK, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

9-10-1999

1039/7021

MKO 9-8-99

REC



101140061

PATENTS OFFICE

SHEET

FORM PTO-1595

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ODR/FINANCE

To the : Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Arthur M. Krieg

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 2. Name and address of receiving party(ies)

Name: University of Iowa Research Foundation

Internal Address:

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Execution Date: August 6, 1999

Street Address: 214 Technology Innovation Center  
Oakdale Research Campus  
Iowa City, IA 52242Additional name(s) & addresses(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s)

B. Patent No.(s)

09/337,619Additional numbers attached? ☐ Yes ☒ No5. Name and address of party to whom correspondence  
Concerning document should be mailed:

Name: Helen C. Lockhart

Address: WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 022106. Total number of applications and patents involved: **[1]**

7. Total fee (37 CFR 3.41).....\$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

The Commissioner is authorized to charge:

8. Deposit Account No: 23/2825

DO NOT USE THIS SPACE

## 9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Helen C. Lockhart

Name of Person Signing

Registration No. 39,248

September 3, 1999

Date

Total number of pages including cover sheet, attachments, and document: **[3]**

09/09/1999 DNGUYEN 00000286 09337619

01 FC:581

40.00 OP

## ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned, Arthur M. Krieg, hereby

Sell, assign and transfer to the University of Iowa Research Foundation, a corporation of Iowa having a place of business at 214 Technology Innovation Center, Oakdale Research Campus, Iowa City, Iowa, 52242, its successors, assigns and legal representatives, all hereinafter referred to as the Assignee, the entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed on June 21, 1999, assigned serial no. 09/337,619 and entitled **METHODS OF TREATING CANCER USING IMMUNOSTIMULATORY OLIGONUCLEOTIDES**, and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said Assignee may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said Assignee, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said Assignee all facts known to me relating to said inventions and the history thereof, and generally by doing everything possible which said Assignee shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said Assignee.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said Assignee.

Covenant with said Assignee that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me, and that full right to convey the same as herein expressed is possessed by me.



8/6/99  
Date

Arthur M. Krieg  
Arthur M. Krieg

STATE OF Massachusetts :  
COUNTY OF Suffolk :  
Subscribed and sworn to before me this 6<sup>th</sup> day of August 1999.  
SEAL  
Marianne Flynn  
Notary Public  
My Commission Expires \_\_\_\_\_

MARIANNE FLYNN  
NOTARY PUBLIC  
My Commission Expires April 16, 2004



Attorney Docket No. C1039/7021 (HCL/MAT)

### DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

#### METHODS OF TREATING CANCER USING IMMUNOSTIMULATORY OLIGONUCLEOTIDES

the specification of which is attached hereto unless the following is checked:

☒ was filed on June 21, 1999, as Application No 09/337,619, bearing attorney docket No. C1039/7021, and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or section 365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign PCT International Application(s) and any priority claims under 35 U.S.C. §§119 and 365(a),(b):

			Priority Claimed	
_____ (Number)	_____ (Country-if PCT, so indicate)	_____ (DD/MM/YY Filed)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
_____ (Number)	_____ (Country-if PCT, so indicate)	_____ (DD/MM/YY Filed)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
_____ (Number)	_____ (Country-if PCT, so indicate)	_____ (DD/MM/YY Filed)	<input type="checkbox"/> YES	<input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

_____ (Application Number)	_____ (filing date)
_____ (Application Number)	_____ (filing date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT

International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

08/960,774 (Application No.)	10/30/97 (filing date)	pending (status-patented, pending, abandoned)
(Application No.)	(filing date)	(status-patented, pending, abandoned)

PCT International Applications designating the United States:

(PCT Appl. No.) (status-patented,pending,abandoned)	(U.S. Ser. No.)	(PCT filing date)
--	-----------------	-------------------

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Robert M. Abrahamsen	40,886	Jason M. Honeyman	31,624	Stanley Sacks	19,900
John N. Anastasi	37,765	Robert E. Hunt	39,231	Christopher S. Schultz	37,929
Gary S. Engelson	35,128	Ronald J. Kransdorf	20,004	Alan B. Sherr	42,147
Neil P. Ferraro	39,188	Peter C. Lando	34,654	Robert A. Skrivanek, Jr.	41,316
Thomas G. Field	45,596	Helen C. Lockhart	39,248	Paul D. Sorkin	39,039
Stephen R. Finch	42,534	Matthew B. Lowrie	38,228	Alan W. Steele	45,128
Edward R. Gates	31,616	William R. McClellan	29,409	Mark Steinberg	40,828
Richard F. Giunta	36,149	Daniel P. McLoughlin	46,066	Joseph Teja, Jr.	45,157
Peter J. Gordon	35,164	James H. Morris	34,681	John R. Van Amsterdam	40,212
John C. Gorecki	38,471	M. Lawrence Oliverio	30,915	Michael G. Verga	39,410
William G. Gosz	27,787	Timothy J. Oyer	36,628	Robert H. Walat	46,324
Lawrence M. Green	29,384	Edward F. Perlman	28,105	Lisa E. Winsor	44,405
George L. Greenfield	17,756	Michael J. Pomianek	46,190	David Wolf	17,528
James M. Hanifin, Jr.	39,213	Elizabeth R. Plumer	36,637	Douglas R. Wolf	36,971
Therese A. Hendricks	30,389	Randy J. Pritzker	35,986	Ivan D. Zitkovsky	37,482
Steven J. Henry	27,900	Robert E. Rigby, Jr.	36,904	Edward J. Russavage	43,069

Address all telephone calls to Helen C. Lockhart at telephone no. (617) 720-3500. Address all correspondence to:

Helen C. Lockhart  
c/o Wolf, Greenfield & Sacks, P.C.,  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210-2211

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

---

**Inventor's signature**

Full name of first or joint inventor:

Citizenship:

Residence:

Post Office Address:

Arthur M. Krieg

US

890 Park Place, Iowa City, IA

52246

same as above

---

**Date**

---

**Inventor's signature**

Full name of second joint inventor:

Citizenship:

Residence:

Post Office Address:

George Weiner

US

235 Kennedy Parkway

Iowa City, IA 52246

same as above

---

**Date**

7-1-00



Attorney Docket No. C1039/7021 (HCL/MAT)

### DECLARATION FOR PATENT APPLICATION

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			Priority Claimed	
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(Number)	(Country-if PCT, so indicate)	(DD/MM/YY Filed)	YES	NO
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country-if PCT, so indicate)	(DD/MM/YY Filed)	YES	NO
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country-if PCT, so indicate)	(DD/MM/YY Filed)	YES	NO

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_____	_____
(Application Number)	(filing date)
_____	_____
(Application Number)	(filing date)

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(Application No.)	(filing date)	(status-patented, pending, abandoned)
<u>(Application No.)</u>	<u>(filing date)</u>	<u>(status-patented, pending, abandoned)</u>

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<u>(PCT Appl. No.)</u>	<u>(U.S. Ser. No.)</u>	<u>(PCT filing date)</u>
(status-patented,pending,abandoned)		

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Thomas G. Field	45,596	Helen C. Lockhart	39,248	Paul D. Sorkin	39,039
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c/o Wolf, Greenfield & Sacks, P.C.,  
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**Inventor's signature**

Full name of first or joint inventor:

Citizenship:

Residence:

Post Office Address:

Arthur M. Krieg

US

890 Park Place, Iowa City, IA  
52246

same as above

7/14/00  
Date

**Inventor's signature**

Full name of second joint inventor:

Citizenship:

Residence:

Post Office Address:

George Weiner

US

235 Kennedy Parkway  
Iowa City, IA 52246

same as above

Date